

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN BAX,

Petitioner,

vs.

WARDEN, FCI McKean

Respondent.

C.A. No. 05-194 Erie
District Judge McLaughlin
Magistrate Judge Baxter

CLERK
U.S. DISTRICT COURT

06 AUG -4 AM 1:10

FILED

MOTION FOR ENLARGEMENT OF TIME
TO FILE OBJECTION TO REPORT & RECOMMENDATION

NOW COMES, Petitioner, John Bax, pro-se, and moves this Honorable Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, to enlarge the time for filing objections to the Magistrate Judge's Report and Recommendation. In support, he respectfully submits as follows:

1. Petitioner received his copy of the report and recommendation by Certified U.S. Mail with Return Receipt on August 1, 2006.

2. Petitioner requires the assistance of another prisoner, who has some training in civil litigation and is also familiar with the jurisdictional issue that forms the basis for the magistrate judge's recommendation that the § 2241 petition should be dismissed by the Court for lack of subject matter jurisdiction.

3. The prisoner assisting Petitioner is currently completing a petition for writ of certiorari for another prisoner and cannot begin to help prepare Petitioner's objections to the report and recommendation until his current obligation is completed.

4. Petitioner is unable to proceed in this matter without the assistance of this assisting prisoner as he lacks the skill and training to do so.

5. The assisting prisoner should be prepared to review the report and recommendation and to research the issues involved within the next five days. This time frame is reasonable given prisoner access to the law library must be, unless otherwise approved, during a prisoner's leisure time activity.

C O N C L U S I O N

WHEREFORE, for the reasons stated above, Petitioner respectfully request this Honorable Court extend the time for filing his objections to the Magistrate Judge's Report and Recommendation up to and including August 18, 2006.

Date: _____

John Bax #07328-067
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

CERTIFICATE OF SERVICE

The undersigned certifies that on the date listed below a true and correct copy of the foregoing was conveyed to prison authorities for mailing with First Class U.S. postage prepaid and properly addressed to the following party:

Christy Wiegand
Assistant U.S. Attorney
U.S. Courthouse and Post Office
700 Grant Street, Suite 4000
Pittsburgh, PA 15219

Date: _____

John Bax #07328-067
Petitioner/Pro-se
FCI McKean
P.O. Box 8000
Bradford, PA 16701

August 1, 2006

John Bax #07328-067
FCI McKean
P.O. Box 8000
Bradford, PA 16701

Office of the Clerk
United States District Court
Western District of Pennsylvania
17 South Park Row
Erie, PA 16501

Re: Bax v. Warden, FCI McKean:
C.A. No. 05-194 Erie
USDJ McLaughlin
Magistrate Judge Baxter

Dear Clerk:

Please find enclosed for filing the original of Petitioner's
"Motion for Enlargement of Time to File Objection to Report &
Recommendation" with Certificate of Service.

Your assistance is always greatly appreciated.

Sincerely,

cc: file
: jc/dnr
: AUSA Wiegand
: enclosure